

IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CWP No. 1082 of 2005

Date of Decision: 18th May, 2007

Ashok Kumar and another	Petitioners
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Versus

Director, Consolidation of Holdings and another	Respondents
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Coram

The Hon'ble Mr. Justice Sanjay Karol, J.

Whether approved for reporting¹?

For the petitioners: Mr.K.S.Banyal, Advocate.

For respondent No.1: Mr.C.B.Singh, Dy. Advocate
General.

For respondent No.2: Mr.J.R.Thakur, Advocate.

Sanjay Karol, J. (Oral)

Learned counsel for the parties agree that order dated 9th May, 2005 passed by Director, Consolidation of Holdings, HP, in Case No.55/2004 titled as Ashok Kumar and another vs. Udham Singh, needs to be set aside in view of decision rendered by this Court in Amar Nath and another vs. State of H.P. and others, reported in 2002(1) Shim. L.C. 236. Learned counsel further agree that matter needs to be remanded back for hearing on the material which is

already before the Director, Consolidation of Holdings.

In this view of the matter, order dated 9th May, 2005 is set aside and the matter is remanded back for consideration afresh by Director Consolidation of Holdings, H.P. exercising powers of State Government under Section 54 of the H.P. Holdings (Consolidation and Prevention of Fragmentation) Act, 1971. The Director shall after affording adequate opportunity to the parties, decide the case by passing a speaking order within a period of three months. Since the matter pertains to the year 1998, the parties through their learned counsel are directed to appear before the Director, Consolidation of Holdings on 14th June, 2007.

With the aforesaid observations and directions, the writ petition is disposed of.

18th May, 2007
(C)

(Sanjay Karol),
Judge.